

Appln. No. 09/823,134  
Amendment dated March 1, 2004  
Reply to Office Action of October 29, 2003

**REMARKS/ARGUMENTS**

Reconsideration of the present application, as amended, is respectfully requested.

The October 29, 2003 Office Action and the Examiner's comments have been carefully considered. In response, the title is amended, claims are cancelled and amended, and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

**ELECTION/RESTRICTION**

The Examiner's confirmation that the elected claims are Claims 1-5 and not Claims 1-6 is acknowledged and appreciated.

**SPECIFICATION**

In the Office Action the Examiner indicates that the application does not contain an Abstract of the Disclosure. In response, Applicants respectfully state that an Abstract of the Disclosure was submitted with the present application at the time of filing. It may be that the Abstract of the Disclosure was separated from the application after receipt by the Patent

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Office. In order to ensure that the Patent Office records are complete, submitted herewith is a copy of the Abstract of the Disclosure which was submitted with the present application.

In addition, the Abstract of the Disclosure which was submitted with the present application is amended to be more clearly directed to the present claimed invention.

In view of the foregoing, reconsideration and withdrawal of the objection to the disclosure are respectfully requested.

#### TITLE

The Examiner's indication that the title of the invention is "neither precise nor descriptive" is noted. In response, a new title is submitted which is more clearly indicative of the invention to which the claims are now directed. In view of the amendment of the title of the invention, reconsideration and withdrawal of the objection to the disclosure are respectfully requested.

#### PRIOR ART REJECTIONS

In the Office Action, claims 1-5 are rejected under 35 USC 102(b) as being anticipated by USP 5,982,736 (Pierson et al.).

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In response, claims 1-5 are cancelled and new claims 18-29 are added.

New claim 13 is directed to a recording medium controlling apparatus (20) which reads/writes data from/to a recording data area (3; 3A, 3B; 0-n) as a recording track formed on a non-circular recording medium (1) while rotating the recording medium.

In the apparatus (20), detecting means (21, 22; S4a) detects a discontinuity (8, 9) in the recording track due to the non-circularity of the recording medium during rotation of the recording medium. Combining means (21; 22; S4C; 7a, S8) combines data present on recording data area portions present before and after the discontinuity in a rotating direction of the recording medium and detected by the detecting means so that these data continue.

This apparatus is capable of detecting a discontinuity (8, 9) in the recording track to the non-circularity of the recording medium during rotation of the recording medium and then combines data present on recording data area portions before and after the detected discontinuity in a rotating direction of the recording medium so that these data continue.

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New claim 19 is directed to a recording medium controlling apparatus which reads recorded data from a recording section (3; 3A, 3B; O-n) formed on a non-circular recording medium (1) while rotating the recording medium.

In this apparatus, detecting means (21, 22; S-4a) detects a non-circular data storage area present on the recording medium due to the non-circularity of the recording medium during its rotation. Controlling means (21; 28; S4C, 7a, S8) combines data on the recording section portions present before and after the non-circular data storage area detected by the detecting means.

This apparatus is capable of detecting a non-circular data storage area present on the recording medium due to the non-circularity of the recording medium during its rotation and then combines data present on the recording section portions before and after the non-circular data storage area.

New claim 23 is directed to a recording medium controlling apparatus which reads recorded data from a recording section (3; 3A, 3B; O-n) formed on a non-circular recording medium while rotating the recording medium.

In this apparatus, detecting means (21, 22; S4a) detects possible effective data-reading areas and ineffective data-reading areas present on the recording medium due to its non-

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circular shape when data is read from the recording section by rotating the recording medium. Responsive to the data reading being completed, data combining means (21; 28; S4C, 7a, U5) deletes data present in the ineffective data reading area detected by the detecting means, and combines the data in the detected effective data-reading areas present before and after the ineffective data-reading area, if any.

This apparatus is capable of detecting possible effective data-reading areas and ineffective data-reading areas present on the recording medium due to its non-circular shape when data is read from the recording section by rotating the recording medium, and responsive to the data reading being completed, deleting data present in the ineffective data reading area detected by the detecting means, and combining the data in the detected effective data-reading areas present directly before and after the ineffective data reading area, if any.

New claim 24 is directed to a recording medium controlling method which reads/write data from/to a recording data area (3; 3A, 3B; 0-n) as a recording track formed on a non-circular recording medium (1) while rotating the recording medium.

In this method, a discontinuity (8,9) in the recording track due to the non-circularity of the recording medium is

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detected during rotation of the recording medium (step S4a).  
Data present on recording data area portions present before and after the discontinuity in a rotating direction of the recording medium and detected in the detecting step are then combined so that these data continue (steps 28; S4C; 7a, S8).

Briefly, this method is capable of detecting a discontinuity in the recording track due to the non-circularity of the recording medium which is detected during rotation of the recording medium, and combining data present on recording data area portions present before and after the discontinuity in a rotating direction of the recording medium so that these data continue.

As described above, the present claimed invention is directed to the recording medium controlling apparatus and method that detects a discontinuity in the recording track due to the non-circularity of the recording medium during rotation of the recording medium, and combines data present on recording data area portions present before and after the discontinuity in a rotating direction of the recording medium so that these data continue.

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In contrast, Pierson discloses recording mediums and fails to disclose, teach or suggest a recording medium controlling apparatus as defined by claims 18-24.

In view of the foregoing, claims 18-24 are patentable over the cited reference under 35 USC 102 as well as 35 USC 103.

The other references of record do not close the gap between the present claimed invention as defined by new claims 18-24 and Pierson. Therefore, claims 18-24 are patentable over the references of record when taken either alone under 35 USC 102 or in combination under 35 USC 103.

\* \* \* \* \*

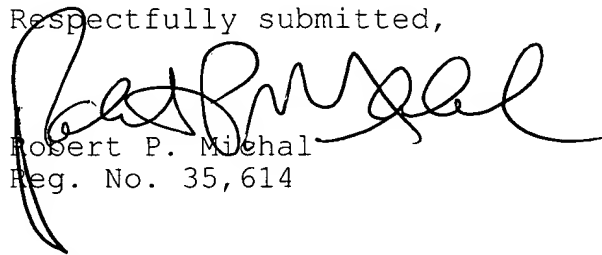
If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Entry of this Amendment, allowance of the claims, and the passing of this application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert P. Michal", is written over the typed name and registration number.

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Encl.: Petition for Extension of Time